



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 17, 1997

Ms. Cynthia L. Johnson, Director
Cash Management Policy and Planning Division
Financial Management Service
U.S. Department of the Treasury
Room 420, 401 14th Street, S.W.
Washington, D.C. 20227

Dear Ms. Johnson:

The following are our comments on the proposed final rule for the conversion of agency payments to electronic funds transfer (EFT) as published in the Federal Register on September 16, 1997. The proposed final rule appears to be comprehensive and balanced in its approach to the implementation of EFT at Federal agencies. The following are specific comments:

- (1) Section 208.4(h) states that waivers may be granted: "Where an agency's need for goods and services is of such unusual and compelling urgency that the Government would be seriously injured unless payment is made by a method other than EFT; or where there is only one source for goods or services and the Government would be seriously injured unless payment is made by a method other than electronic funds transfer." We suggest the following alternative language:

"Waivers may be granted if an agency's need for goods and services is of sufficient urgency that the Government would be significantly impeded in accomplishing the agency mission unless payment is made by a method other than EFT, including cases wherein there is only one source for the necessary goods or services."

Our agency requires telephone and beeper service at remote nuclear sites, especially for any emergency circumstances that may arise. Local telephone companies and paging companies must be utilized to obtain this service. At a number of sites there is only one vendor that provides this service and they are unwilling to comply with the EFT requirements. While these cases may qualify under Section 208.4(h), the more severe test in the proposed rule, we believe it is a undue burden on agencies to attempt to meet the more rigorous standard in cases that, while significant, may not meet the "compelling urgency" and "seriously injured" standards. When the burden of attempting to meet those standards is compared to a moderate loss of cost savings, we believe that burden is unjustified.

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- (2) NRC must recover approximately 100 percent of its budget authority through fees imposed on licensees. There are instances where refunds must be made to licensees for overpayment of license and application fees. The amount of a refund due ranges from \$10 to thousands of dollars. In many cases (particularly for application fees), licensees due refunds do not respond to requests for bank and TIN information. Guidance from FMS has been conflicting on this matter ranging from payment can not be made until the bank and TIN information is received to we can not deny a refund merely for failure to provide the requisite bank and TIN information. This situation does not meet the criteria of any of the waiver categories listed. We recommend an additional waiver category be considered for refunds.
- (3) Section 208.4(g) is not clear. We recommend that this section be reworded it to simplify its intent.
- (4) DOD does not currently accept payments through the OPAC system. If DOD is not using OPAC by January 1, 1999, will there be an automatic waiver for payments made to them?

Any questions in regard to this may be addressed to Mary Saah, Chief, Financial Operations Branch, Division of Accounting and Finance, on (301) 415-5841.

Sincerely,



James Turdici, Director
Division of Accounting and Finance
Office of the Chief Financial Officer